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# JOURNAL

OF THE

# BOARD OF CANAL COMMISSIONERS

FOR THE

FISCAL YEAR ENDING NOVEMBER 30, 1858.

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# JOURNAL.

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HARRISBURG, WEDNESDAY, DECEMBER, 2, 1857.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

On motion, it was

*Resolved*, That William Wright be and he is hereby permitted, under the direction of the Supervisor of the line, to construct, on his own ground and at his own expense, a dry dock on the berme side of the North Branch division above Shickshinny creek: *Provided*, The size and strength of the banks and gates shall be made according to the directions of the said Supervisor: *And provided further*, That the Canal Commissioners reserve the right to repeal the privileges hereby granted, whenever, in their opinion, the public interest may require it.

On motion, it was

*Resolved*, That Joseph Johnson be and he is hereby permitted, under the direction of the Supervisor of the line, to construct a dry dock on his own ground and at his own expense, on the towing-path side of the North Branch division, in the borough of Northumberland: *Provided*, That the size and strength of the bridge, banks and gates shall be made according to the directions of the said Supervisor, and to be kept in repair by the said Johnson, at his own expense: *And provided further*, That the Canal Commissioners reserve the right to repeal the privileges hereby granted, whenever, in their opinion, the public interest may require it.

On motion,

The Board proceeded to the appointment of Collector of tolls at Northumberland; when

Mr. Scott	voted for	John Swineford.
Mr. Plumer	"	John Swineford.
Mr. Mott	"	John Swineford.

So it was

*Resolved*, That John Swineford be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Northumberland.

On motion,

The Board proceeded to the appointment of Collector of tolls at the towing-path bridge across the Susquehanna river at Northumberland; when

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Mr. Scott	voted for	John Swineford.
Mr. Plumer	"	John Swineford.
Mr. Mott	"	John Swineford.

So it was

*Resolved*, That John Swineford be and he is hereby appointed Collector of tolls at the towing-path bridge across the Susquehanna river at Northumberland.

On motion,

The Board proceeded to the appointment of Collector of tolls at Pittston; when

Mr. Scott	voted for	L. H. Litts.
Mr. Plumer	"	L. H. Litts.
Mr. Mott	"	L. H. Litts.

So it was

*Resolved*, That L. H. Litts be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Pittston.

On motion,

The Board proceeded to the appointment of Collector of tolls at Dunnsvburg; when

Mr. Scott	voted for	Joseph B. Deis.
Mr. Plumer	"	Joseph B. Deis.
Mr. Mott	"	Joseph B. Deis.

So it was

*Resolved*, That Joseph B. Deis be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Dunnsvburg.

On motion,

The Board proceeded to the appointment of Collector of tolls at Williamsport; when

Mr. Scott	voted for	John Piatt.
Mr. Plumer	"	John Piatt.
Mr. Mott	"	John Piatt.

So it was

*Resolved*, That John Piatt be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Williamsport.

On motion,

The Board proceeded to the appointment of Collector of tolls at New Hope; when

Mr. Scott	voted for	C. S. Palmer.
Mr. Plumer	"	C. S. Palmer.
Mr. Mott	"	C. S. Palmer.

So it was

*Resolved*, That C. S. Palmer be and he is hereby appointed Collector of tolls on the Pennsylvania canal at New Hope.

On motion,

The Board proceeded to the appointment of Collector of tolls at Easton; when

Mr. Scott	voted for	Daniel H. Nieman.
Mr. Plumer	"	Daniel H. Nieman.
Mr. Mott	"	Daniel H. Nieman.

So it was

*Resolved*, That Daniel H. Nieman be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Easton.

On motion,

The Board proceeded to the appointment of Weigh-master at Northumberland; when

Mr. Scott	voted for	J. Taylor.
Mr. Plumer	"	J. Taylor.
Mr. Mott	"	J. Taylor.

So it was

*Resolved*, That J. Taylor be and he is hereby appointed Weigh-master on the Pennsylvania canal at Northumberland.

On motion,

The Board proceeded to the appointment of Weigh-master at Pittston; when

Mr. Scott	voted for	Hiram H. Brown.
Mr. Plumer	"	Hiram H. Brown.
Mr. Mott	"	Hiram H. Brown.

So it was

*Resolved*, That Hiram H. Brown be and he is hereby appointed Weigh-master on the Pennsylvania canal at Pittston.

On motion,

The Board proceeded to the appointment of Weigh-master at Beach Haven; when

Mr. Scott	voted for	George Manhardt.
Mr. Plumer	"	George Manhardt.
Mr. Mott	"	George Manhardt.

So it was

*Resolved*, That George Manhardt be and he is hereby appointed Weigh-master on the Pennsylvania canal at Beach Haven.

On motion,

The Board proceeded to the appointment of Assistant Weigh-master at Beach Haven; when

Mr. Scott	voted for	R. S. Bacon.
Mr. Plumer	"	R. S. Bacon.
Mr. Mott	"	R. S. Bacon.

So it was

*Resolved*, That R. S. Bacon be and he is hereby appointed Assistant Weigh-master on the Pennsylvania canal at Beach Haven.

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On motion,

The Board proceeded to the appointment of Inspector of Cargoes at Bristol; when

Mr. Scott	voted for	J. N. Decker.
Mr. Plumer	"	J. N. Decker.
Mr. Mott	"	J. N. Decker.

So it was

*Resolved*, That J. N. Decker be and he is hereby appointed Inspector of Cargoes on the Pennsylvania canal at Bristol.

On motion,

The Board proceeded to the appointment of Weigh-master at Easton; when

Mr. Scott	voted for	William Able.
Mr. Plumer	"	William Able.
Mr. Mott	"	William Able.

So it was

*Resolved*, That William Able be and he is hereby appointed Weigh-master on the Pennsylvania canal at Easton.

On motion,

The Board proceeded to the appointment of Assistant Weigh-master at Easton; when

Mr. Scott	voted for	G. B. Olmstead.
Mr. Plumer	"	G. B. Olmstead.
Mr. Mott	"	G. B. Olmstead.

So it was

*Resolved*, That G. B. Olmstead be and he is hereby appointed Assistant Weigh-master on the Pennsylvania canal at Easton.

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HARRISBURG, THURSDAY, DECEMBER 3, 1857.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

On motion,

The Board proceeded to the appointment of Collector of tolls at Liverpool; when

Mr. Scott	voted for	J. M. Baum.
Mr. Plumer	"	J. H. Broadhead.
Mr. Mott	"	J. H. Broadhead.

So it was

*Resolved*, That John H. Brodhead be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Liverpool.

On motion,

The Board proceeded to the appointment of Collector of tolls at Bristol; when

Mr. Scott	voted for	Pugh Dungan.
Mr. Plumer	"	Pugh Dungan.
Mr. Mott	"	Pugh Dungan.

So it was

*Resolved*, That Pugh Dungan be and he is hereby appointed Collector of tolls on the Pennsylvania canal at Bristol.

HARRISBURG, FRIDAY, DECEMBER 11, 1857.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

On motion,

The Board proceeded to the consideration of the claims for damages to property caused by the construction of the new Allegheny Portage road—the Board having previously made a personal examination of the ground.

Whereupon, it was

*Resolved*, That the sum of eleven hundred and thirty dollars be and the same is hereby awarded to the estate of Robert M'Namara, as compensation in full for all the damage, (No. 2 on the map,) including fencing, sustained by the said estate in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of the Portage Iron Works company, (No. 1 on the map,) presented by Joseph Higgins, agent, for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the making of the embankment for their siding, and the iron furnished therefor by the Commonwealth, which is now the property of the company, being, in the opinion of the Board, a sufficient compensation for all the injury sustained.

*Resolved*, That the sum of nine hundred and forty-nine dollars be and the same is hereby awarded to Samuel Moore, as compensation in full for all the damage, (No. 3 on the map,) including fencing, sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of nine hundred and thirty-six dollars be and the same is hereby awarded to Jonathan Conrad, as compensation in full for all the damage, (No. 4 on the map,) including fencing and the removal of dwelling house, he has sustained in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of one hundred and twenty-three dollars be and the same is hereby awarded to Daniel Biegel, as compensation in full for all the damage, (No. 5 on the map,) including fencing, sustained by him in conse-

quence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of five hundred and thirteen dollars be and the same is hereby awarded to Robert Gardner, as compensation in full for all the damage, (Nos. 6 and 16 on the map,) including fencing, sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of James Dermott, (No. 7 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of —— Walker, (No 7 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Thomas Flinn, (No. 9 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the title to said property being in dispute.

*Resolved*, That the sum of twenty-five dollars be and the same is hereby awarded to John Gailey, as compensation in full for all the damage, (No. 13 on the map,) including fencing, sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of two hundred dollars be and the same is hereby awarded to Charles Gailey, as compensation in full for all damage, (No. 14 on the map,) including fencing, sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of three hundred dollars be and the same is hereby awarded to Henry H. Long, as compensation in full for all damage, (No 11 on the map,) including fencing, sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of the Huntingdon, Cambria and Indiana turnpike company, for injury to their property, at the foot of plane, No. 8, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, because the company have no title to the property occupied by the Commonwealth.

*Resolved*, That the claim of J. Weyer, for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, (No. 18 on the map,) ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Jacob Hetzell, (No. 19 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of David Closson, (No. 20 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claims of J. M. & Joel Gibbony, (Nos. 21 and 23 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of John Stuff, (No. 22 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of the Portage iron company, (No. 24 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of the Bennington coal and iron company, (No. 25 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Dr. Jackson, (No. 26 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of the estate of Roger Bradley, (No. 35 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of James M'Closkey, (No. 27 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of the Pennsylvania railroad company, (No. 28 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of James M'Garrity, (No. 29 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Shoemaker & Ivory, (No. 30 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the sum of fifty dollars be and the same is hereby awarded to M. M. Adams, (No. 31 on the map,) as compensation in full for all damage sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of Dr. Jackson, (No. 32 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined

planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim, (No. 33 on the map,) in the names of Peter West, Wm. Jackson and C. O'Neill, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of the heirs of Wm. Webster, (No. 34 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of —— Porter's heirs, (No. 36 on the map,) for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Thomas H. Porter, (No. 37 on the map,) for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the sum of fifty dollars be and the same is hereby awarded to F. M. George, (No. 38 on the map,) as compensation in full for all the damage he sustained in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of James Conrad, for injury to his property and water power, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Michael Moyer, for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Wm. Tiley, for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of Wm. Hartness, for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the sum of fifty dollars be and the same is hereby awarded to Edward A. Burke, as compensation in full for all damage sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim of Kain & Kinports, for injury to their property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the claim of John Kain, for injury to his property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal to the disadvantages.

*Resolved*, That the sum of fifty dollars be and the same is hereby awarded to James O'Neal, as compensation in full for all damage sustained by him in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the sum of one hundred dollars be and the same is hereby awarded to Mrs. J. M'Kinney, as compensation in full for all the damage sustained by her in consequence of the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

*Resolved*, That the claim, (No. 17 on the map,) in the names of Dr. Shoenberger, A. P. Wilson, Jacob Weyer and Lloyd & Hill, ought not to be allowed.

*Resolved*, That the claim of the estate of Dr. Peter Shoenberger, for damages to the property of said estate, (marked Nos. 8, 10, 12 and 15 on the map,) caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad, ought not to be allowed, the advantages being, in the opinion of the Board, equal the disadvantages.

The President laid before the Board a deed to Thomas W. Hurd, for a piece of land in Gaysport, on the Allegheny Portage railroad, made in pursuance of an act of the 12th of May, 1857.

Which was approved and executed.

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HARRISBURG, WEDNESDAY, DECEMBER 30, 1857.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

The President laid before the Board the annual report for the fiscal year ending November 30, 1857.

Which was read and approved.

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HARRISBURG, TUESDAY, JANUARY 5, 1858.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

The President laid before the Board a claim of Wm. M'Daniel, for extra services at West Philadelphia, in keeping returns of State Agents, together with the report of D. Mitchell, Jr., Superintendent of Motive Power, thereon.

Which were read and considered ; and

On motion, it was

*Resolved*, That the claim of Wm. M'Daniel ought not to be allowed.

HARRISBURG, THURSDAY, JANUARY 7, 1858.

The Board met—Present, Mr. Scott, Mr. Plumer and Mr. Mott, President.

On motion it was

*Resolved*, That Quinn & Tinsman be and they are hereby permitted, under the direction of the Supervisor of the line, to construct, at their own expense, an overfall on the towing-path side of the West Branch division, near Miller's run, and near their saw mill: *Provided*, That the said overfall be constructed at such a distance from the culvert as, in the opinion of said Supervisor, will render the canal secure: *And provided further*, That the surface of said overfall shall not extend below the top water line of the level, and shall be well and securely paved on the top and slopes of the towing-path bank, and well sheet-piled where necessary for the permanency of the canal. The Board of Canal Commissioners reserving the right to repeal the privileges hereby granted, whenever, in their opinion, the public interests may require it.

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HARRISBURG, TUESDAY, JANUARY 12, 1858.

The Board met—Present, Mr. Scott and Mr. Plumer, President *pro tem.*

Mr. Plumer offered the following resolution:

*Resolved*, That the courteous manner in which Henry S. Mott, late President, presided over the deliberations of this Board, receives the warmest acknowledgments of his recent associates, and that they tender to him their best wishes for his future prosperity.

And on the question,

Will the Board agree to the resolution?

The yeas and nays were required, and were as follow:

YEAS—Mr. Scott and Mr. Plumer.

NAYS—None.

So the resolution was unanimously agreed to.

On motion

The Board adjourned until Monday next.

HARRISBURG, MONDAY, JANUARY 18, 1858.

The Board met—Present, Mr. Scott and Mr. Plumer.

The term of service of Henry S. Mott, President of the Board, having expired, and in consequence of the provisions of the act of Assembly, entitled "An Act to reduce the expenses and provide for the election of the Board of Canal Commissioners," passed April 18, 1843,

Nimrod Strickland appeared on a notice from the Secretary of the Commonwealth, of his having been elected Canal Commissioner.

Whereupon,

Nimrod Strickland, after having been duly qualified according to law, took his seat as a member of the Board.

On motion,

The Board proceeded to the election of a President ; when

Mr. Strickland	voted for	Arnold Plumer.
Mr. Scott	"	Arnold Plumer.
Mr. Plumer	"	George Scott.

Therefore,

Arnold Plumer was declared elected President of the Board.

The Board then proceeded to the election of Secretary ; when

Mr. Strickland	voted for	Thomas L. Wilson.
Mr. Scott	"	Thomas L. Wilson.
Mr. Plumer	"	Thomas L. Wilson.

Whereupon,

Thomas L. Wilson was declared to be duly elected Secretary.

On motion,

The Board proceeded to the appointment of a State Engineer ; when

Mr. Strickland	voted for	E. F. Gay.
Mr. Scott	"	E. F. Gay.
Mr. Plumer	"	E. F. Gay.

So it was

*Resolved*, That E. F. Gay be and he is hereby appointed State Engineer.

HARRISBURG, WEDNESDAY, JANUARY 20, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Plumer, President.

On motion, it was

*Resolved*, That J. H. Brodhead, Collector at Liverpool, be authorized to rent an office at the junction of the Susquehanna and Juniata divisions, to

be used as a Collector's office; and that the Collector's office at Liverpool be removed to the place selected: *Provided*, That the Pennsylvania railroad company shall first enter into an agreement to pay one-half of said rent, as well as the one-half of the rent for a dwelling house for said Collector.

The President laid before the Board the application of J. Vance Cresswell, to construct a wharf below the lock at Rupert's landing, on the Lower North Branch division.

Which was read and referred to the Supervisor of the line, to report the facts to the Board, with a description of the location, and his opinion of the propriety of granting the same.

HARRISBURG, TUESDAY, JANUARY 26, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem.*

The President *pro tem.* laid before the Board a communication from Wm. R. Maffet, Superintendent and Engineer of the North Branch extension of the Pennsylvania canal, from Pittston northward, appointed by the Legislature under the act of the 7th May, 1855, resigning his office, to take effect on the 10th February, 1858.

Which was read and directed to be transmitted to both Houses of the Legislature.

HARRISBURG, THURSDAY, JANUARY 28, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem.*

The President *pro tem.* laid before the Board a reply to the resolution of the Senate of yesterday, enclosing "a copy of the annual report of Wm. R. Maffet, late Superintendent of the North Branch canal."

Which was read and directed to be transmitted to the Senate.

The President *pro tem.* laid before the Board a reply to the resolution of the House of Representatives, of yesterday, requesting the Board to furnish that body with the annual report of Wm. R. Maffet, late Superintendent of the North Branch division of the Pennsylvania canal.

Which was read and directed to be transmitted to the House of Representatives.

HARRISBURG, WEDNESDAY, FEBRUARY 10, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board an act of the General Assembly, approved the 8th of February, 1858, entitled "An Act relating to the management of the North Branch extension of the Pennsylvania canal."

Which was read.

On motion, it was

*Resolved*, That for the present, and with a view to an early completion of the line, the North Branch extension, from Pittston to the New York State line, be divided into three supervisorships, as follows :

1. From and including the lock at the Lackawanna aqueduct to and including the guard lock at the Horse Race dam.
2. From and including the Horse Race dam to and including the guard lock at Towanda.
3. From and including the Towanda dam to the New York State line.

On motion,

The Board proceeded to the appointment of Supervisor on the first division of the North Branch extension ; when

Mr. Strickland	voted for	P. Jarratt.
Mr. Scott	"	Lewis H. Litts.
Mr. Plumer	"	Lewis H. Litts.

So it was

*Resolved*, That Lewis H. Litts be and he is hereby appointed Supervisor on the North Branch extension of the Pennsylvania canal, from and including the lock at the Lackawanna aqueduct to and including the guard lock at the Horse Race dam.

On motion,

The Board proceeded to the appointment of Supervisor on the second division of the North Branch extension ; when

Mr. Strickland	voted for	Joseph E. Piolett.
Mr. Scott	"	Joseph E. Piolett.
Mr. Plumer	"	Joseph E. Piolett.

So it was

*Resolved*, That Joseph E. Piolett be and he is hereby appointed Supervisor on the North Branch extension of the Pennsylvania canal, from and including the Horse Race dam to and including the guard lock at Towanda.

On motion,

The Board proceeded to the appointment of Supervisor on the third division of the North Branch extension ; when

Mr. Strickland	voted for	J. Degan.
Mr. Scott	"	A. Livermore.
Mr. Plumer	"	David L. Scott.

No person having received a majority, the Board proceeded to a second vote; when

Mr. Strickland	voted for	David L. Scott.
Mr. Scott	"	David L. Scott.
Mr. Plumer	"	David L. Scott.

So it was

*Resolved*, That David L. Scott be and is hereby appointed Supervisor on the North Branch extension of the Pennsylvania canal, from and including the Towanda dam to the New York State line.

The President laid before the Board the report of George W. Search, Supervisor of the Lower North Branch division, on the application of J. Vance Creswell, for permission to construct a wharf below the lock at Rupert's landing.

Which was read and considered; and

On motion, it was

*Resolved*, That J. Vance Creswell be and he is hereby permitted, under the direction of the Supervisor of the line, and under the provisions and restrictions of the one hundred and sixteenth section of the Canal Rules and Regulations, to construct a basin and wharf the same, on his own ground and at his own expense, on the berme side of the North Branch division, below the lock at Rupert's landing: *Provided*, That the Canal Commissioners reserve the right to repeal the privileges hereby granted, whenever, in their opinion, the public interest may require it.

HARRISBURG, TUESDAY, FEBRUARY 16, 1858.

The Board met—Present, Mr. Strickland and Mr. Plumer, President.

The President laid before the Board the application of J. Kelsey, for permission to construct a wharf on the berme side of the Delaware division, near lock No. 6.

Which was read and referred to the Supervisor of the line to report the facts to the Board.

HARRISBURG, FRIDAY, FEBRUARY 26, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem*.

The President laid before the Board a reply to the resolution of the House of Representatives, of the 25th instant, requesting the Canal Commissioners

to inform the House of "the nature of the contract existing between the Commonwealth and the Junction canal company, in relation to dam No. 3, which supplies the upper levels of the North Branch with water, and whether there is any sum due said company for repairs of damages to said dam, caused by flood. If so, what is the amount of the Commonwealth's portion of the costs of repairing said damages, and the reason why the amount due has not been paid to the parties entitled to the same."

Which was read, and directed to be transmitted to the House of Representatives.

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HARRISBURG, MONDAY, MARCH 1, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the report of Wm. Overfield, Supervisor of the Delaware division, on the application of J. Kelsey for permission to construct a wharf on the line of the canal near Yardleyville.

Which was read and considered; and

On motion, it was

*Resolved*, That J. Kelsey be and he is hereby permitted, under the direction and instructions of the Supervisor of the line, to construct, on his own ground and at his own expense, a basin, and to wharf the same on the berme side of the Delaware division, near Yardleyville: *Provided*, That agreeably to the one hundred and sixteenth section of the Canal Rules and Regulations, such basin "be at least ninety feet long and fifteen feet wide, so as to avoid occupying the prism of the canal by boats in the same receiving or discharging their cargoes:" *And provided*, That the construction of said basin shall not interfere with the opening of the canal for navigation in the spring: *And provided further*, That the Canal Commissioners reserve the right to repeal the privileges hereby granted, whenever, in their opinion, such repeal may be required by the public interests.

The President laid before the Board a report to the Legislature, made in pursuance of the second section of the act of February 8, 1858, entitled "An Act relative to the management of the North Branch extension of the Pennsylvania canal."

Which was read, and directed to be transmitted to both Houses of the Legislature.

HARRISBURG, TUESDAY, MARCH 2, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the act of Assembly of the 23d of February, 1858, authorizing the Canal Commissioners to re-examine the claim of Mrs. J. M'Kinney, for damages sustained by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

Which was read.

Mr. Plumer moved to re-consider the resolution of the 11th of December, 1857, awarding Mrs. M'Kinney one hundred dollars.

Which was agreed to ; and

On motion, it was

*Resolved*, That Mrs. M'Kinney be awarded the sum of two hundred dollars, as compensation in full for all the damage to her property, caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad ; the Board being satisfied that in their first award they were mistaken in the quantity of the land taken for the use of the road, and as to the manner in which the road cut through the boundaries thereof.

The President laid before the Board the claim of David Killinger, of fifty-two dollars and fifty cents for re-building wall which had been thrown down by workmen on the Philadelphia and Columbia railroad.

Which was read and considered ; and

On motion, it was

*Resolved*, That the claim of David Killinger ought not to be allowed.

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HARRISBURG, WEDNESDAY, MARCH 3, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, of the awards of damages to property caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad.

Which was read, and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Mrs. J. M'Kinney, for damages to her property caused by the construction of the road to avoid the inclined planes on the Allegheny Portage railroad,

referred to the Canal Commissioners for re-examination by an act passed the 23d of February, 1858.

Which was read, and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Wm. Martin, for damage to his fencing and sprout land in Valley township, Chester county, caused by sparks from a locomotive engine on the Philadelphia and Columbia railroad, in the month of February, 1857.

Which was read, and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claims of John Kugler (owner) and Isaac White, (tenant,) for the destruction of the Spring House tavern, on the Philadelphia and Columbia railroad, caused by sparks from a locomotive engine on the 2d of April, 1857.

Which was read, and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report on the claims of Priscilla Cooper and Caleb Hoopes, for damage to person and property caused by their carriage being run into at the crossing below Parkesburg, by a train on the Philadelphia and Columbia railroad, on the 23d December, 1856, referred to the Canal Commissioners for examination by an act approved the 15th April, 1857.

Which was read, and directed to be transmitted to both Houses of the Legislature

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HARRISBURG, MONDAY, MARCH 15, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

Mr. Scott laid before the Board replies to two resolutions of the House of Representatives, which he had forwarded to that body during the recess of the Board, viz :

1. Resolution, March 9, 1858, requiring the Canal Commissioners to "furnish forthwith a list of all such claims as have not been acted on by them under the fortieth section of the act approved the 18th day of May, 1857; and that the said Commissioners state in their answer to this resolution their reasons for not acting on such claims, and also such information as may be in their possession relative to outstanding bills against the Commonwealth."

2. Resolution, March 10, 1858, requesting the Canal Commissioners to furnish a statement of the receipts and expenditures upon the Delaware, Susquehanna and North and West Branch divisions of the Pennsylvania canals for each year from 1851 to 1857, inclusive.

Which were read and approved.

HARRISBURG, TUESDAY, MARCH 16, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a reply to a resolution of the Senate of the 11th instant, requiring the Canal Commissioners to furnish to the Legislature information "as to the existence of any claims on the Allegheny Portage railroad, not provided for by the act approved the 18th day of May, A. D., 1857, and if there are, to report the same."

Which was read, approved and directed to be transmitted to the Senate.

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HARRISBURG, WEDNESDAY, MARCH 17, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion, it was

*Resolved*, That the rates of toll for the year 1857, be and the same are hereby adopted as the toll sheet for 1858, until otherwise directed.

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HARRISBURG, THURSDAY, MARCH 18, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the report of Geo. W. Search, Supervisor Lower North Branch division, on the application of the Kingston coal company to construct a wharf on said division.

Which was read and considered; and

On motion, it was

*Resolved*, That the Kingston coal company be and they are hereby permitted, under the direction of the Supervisor of the line, and under the provisions and restrictions of the one hundred and sixteenth section of the Canal Rules and Regulations, to construct on their own ground, and at their own expense, a basin, and to wharf the same on the berme side of the Lower North Branch division near Bloomsburg.

HARRISBURG, FRIDAY, MARCH 19, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the claim of the estate of Elizabeth Stiles, deceased, for two acres of land taken and occupied by the Commonwealth, for the new out-let lock into the pool of the Nanticoke dam, on the Lower North Branch division, and for compensation for land used during the construction of the said lock.

Which was read and considered : and

On motion, it was

*Resolved*, That the sum of two hundred and fifty dollars be and the same is hereby awarded to the estate of Elizabeth Stiles, deceased, as compensation in full, for two acres of land taken for the use of the new out-let lock into the pool of the Nanticoke dam, on the Lower North Branch division, and for use of land during the construction of said lock. If, however, at any time hereafter, the representatives of said estate desire to mine the coal underlying the property herein referred to, and it should be found that such mining cannot be prosecuted with a due regard to the safety of the canal at that point, then the said representatives shall be entitled to such further damages as may be deemed just and equitable.

The President laid before the Board the official bond of Lewis H. Litts, Collector of tolls at Pittston.

Which was read and approved.

The President laid before the Board the official bond of Pugh Dungan, Collector of tolls at Bristol.

Which was read and approved.

The President laid before the Board the official bond of Daniel H. Nieman, Collector of tolls at Easton.

Which was read and approved.

The President laid before the Board the official bond of Charles S. Palmer, Collector of tolls at New Hope.

Which was read and approved.

The President laid before the Board the official bond of John Piatt, Collector of tolls at Williamsport.

Which was read and approved.

The President laid before the Board the official bond of J. B. Deis, Collector of tolls at Dunnensburg.

Which was read and approved.

The President laid before the Board the official bond of John H. Brodhead, Collector of tolls at Liverpool.

Which was read and approved.

'The President laid before the Board the official bond of John Swineford, Collector of tolls at Northumberland.

Which was read and approved.

'The President laid before the Board the official bond of John Swineford, Collector of tolls at the towing-path bridge at Northumberland.

Which was read and approved.

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### HARRISBURG, MONDAY, MARCH 22, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the report to the Legislature, on the claim of Bitner & Brothers, for damage to their car and its contents, alleged to have been caused by sparks from a locomotive engine on the Philadelphia and Columbia railroad, on the 20th of June, 1854. [Disallowed.]

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of the estate of Elizabeth Stiles, deceased, for damage to the land of said estate, caused by the construction of the new out-let lock into the pool of the Nanticoke dam, on the Lower North Branch division.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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### HARRISBURG, TUESDAY, MARCH 23, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, on the claim of Elizabeth Lytle, for timber taken from her land for the construction of a temporary tressle work on section, No. 36, of the new Allegheny Portage railroad. [Allowed \$138 06.]

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Wm. N. Brown, for destruction of his fencing and rails, caused by sparks from a locomotive engine on the Philadelphia and Columbia railroad, in July, 1856. [Allowed \$80 50.]

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, WEDNESDAY, MARCH 24, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, on the claim of Givens & Collins, for damage to their store goods, alleged to have been caused by a spark from a locomotive engine on the Allegheny Portage railroad, referred to the Canal Commissioners by an act passed the 16th February, 1858.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Wm. Trimble, for injuries by a collision on the Philadelphia and Columbia railroad, referred to them by an act passed the 14th March, 1857. [Allowed \$400.]

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, FRIDAY, MARCH 26, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, on the claim of Wm. Hart, for personal injuries received by him whilst in the employ of the Commonwealth, by falling from a bridge on the Philadelphia and Columbia railroad, on the 12th of March, 1855.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claims of Abraham Levering, J. H. Levering and the State mutual fire insurance company of Harrisburg, for losses sustained by the destruction of the house of the said Abraham Levering, near White Hall, on the 28th of March, 1856, caused by sparks from a locomotive engine on the Philadelphia and Columbia railroad.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of M'Kean & Rambo, contractors for lock, No. 12, on the Shenango line of the Erie extension of the Pennsylvania canal, referred to them by an act, approved the 23d of March, 1858.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

HARRISBURG, TUESDAY, APRIL 6, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion, it was

*Resolved*, That Joseph Paxton be and he is hereby permitted, under the direction of the Supervisor of the line, to erect on his own ground, and at his own expense, such buildings, schutes, &c., as may be necessary to facilitate the shipping of coal and the loading of produce, timber and lumber, and for that purpose to construct a basin on the berme bank of the North Branch canal at Rupert's, subject to the provisions and restrictions of the one hundred and sixteenth section of the Canal Rules and Regulations.

The President laid before the Board the claim of Stephen A. Myers, for damages to wood and to house, alleged to have been caused by sparks from a locomotive engine on the Allegheny Portage railroad, and for horses killed.

Which was read and considered; and

On motion, it was

*Resolved*, That the claim of Stephen A. Myers ought not to be allowed.

HARRISBURG, THURSDAY, APRIL 8, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, on the claim of Jonathan C. Baldwin, for iron taken from his siding on the Philadelphia and Columbia railroad, and sold by the Commonwealth, which claim was referred to the Canal Commissioners for examination by an act of the 30th of March, 1858.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Wm. J. Felis, for damage to his cars on the Philadelphia and Columbia railroad in 1853 or 1854.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, TUESDAY, APRIL 13, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion, it was

*Resolved*, That Mary Ellis be and she is hereby permitted, under the direction of the Supervisor of the line, and under the provisions and restrictions of the one hundred and sixteenth section of the Canal Rules and Regulations, to construct, at her own expense and upon her own ground, a basin on the berme side of the West Branch division, between Jaysburg and the mouth of Lycoming creek, for the purpose of depositing saw-logs and loading and unloading boats: *Provided*, That all embankments which may be necessary to contain the water flowing into said basin from the canal shall be constructed in a substantial and durable manner, according to the directions of the Supervisor of the division: *And provided further*, That the Canal Commissioners reserve the right to repeal the privilege hereby granted, whenever, in their opinion, the public interest may require it.

The President laid before the Board a report to the Legislature, on the claim of Joseph Collins, for alleged use of his teams, at West Philadelphia, on the Philadelphia and Columbia railroad, in the year 1854, referred to them for examination by an act passed the 9th of May, 1857.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of Samuel D. Myton, for loss of cargo sunk by his boat striking a stump on the Juniata division, in May, 1856.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, THURSDAY, APRIL 15, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board a report to the Legislature, on the claim of Andrew Wise, for timber and plank delivered on the Upper Juniata division, in October and November, 1854, referred to them for examination by an act of the 20th May, 1857.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President laid before the Board a report to the Legislature, on the claim of John Daugherty, for rent of office to Supervisors at Hollidaysburg, in the years 1840 and 1843, and for hauling cars thirty-six days, hauling cars on Sundays on the Allegheny Portage railroad, from the 22d of March to the 22d of November, 1846, which claim had been referred to the Canal Commissioners for examination by an act passed the 8th of April, 1858.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, MONDAY, APRIL 19, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem.*

The President *pro tem.* laid before the Board a report to the Legislature, on the claim of Wm. B. Hoopes, for damage to his property, caused by widening the space between the tracks of the Philadelphia and Columbia railroad, and for material taken to fill up spans of the viaduct over the Brandywine, at Downingtown.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

The President *pro tem.* laid before the Board a report to the Legislature, on the claim of Theodore Franks, who was appointed to be Superintendent of the basin and weigh-lock at Huntingdon, constructed by the Broad Top railroad and coal company, under the authority of the fiftieth section of the general appropriation bill, passed the 7th of May, 1855, which claim was referred to the Board for examination by an act, approved the 13th of April, 1858.

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

On motion, it was

*Resolved*, That the Weigh-master at Northumberland be allowed an assistant for three months from the opening of navigation this Spring, at thirty dollars per month: *Provided*, The works remain in the possession of the Commonwealth that length of time.

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HARRISBURG, WEDNESDAY, APRIL 21, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem.*

The President *pro tem.* laid before the Board a report to the Legislature, in obedience to an act approved the 25th of March, 1858, requiring the Canal Commissioners "forthwith to examine the account of the city of Pittsburg, for re-building or repairing the aqueduct over the Allegheny river at said city, in accordance with the third section of the act to which this is a supplement, and to report the result thereof to the Senate and House of Representatives."

Which was read, approved and directed to be transmitted to both Houses of the Legislature.

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HARRISBURG, THURSDAY, APRIL 22, 1858.

The Board met—Present, Mr. Strickland and Mr. Scott, President *pro tem.*

On motion, it was

*Resolved*, That Edward F. Gay, Superintendent of the road to avoid the inclined planes on the Allegheny Portage railroad, be authorized to pay the debts due for repairs and motive power on the main line of the public works for the years 1856 and 1857, in those cases where there is an unexpended balance in the Treasury applicable to those purposes, and which debts were

contracted prior to the transfer of said main line, and not settled before the officers then on said work left the public service.

The President *pro tem.* laid before the Board the following joint resolution of the Legislature, approved this day by the Governor, viz :

RESOLUTION RELATING TO THE PUBLIC WORKS.

*RESOLVED, By the Senate and House of Representatives of the Commonwealth of Pennsylvania, in General Assembly met :* That from and after the passage of a law authorizing the sale of the public works to the Sunbury and Erie railroad, or to any other corporation, or to an individual or an association of individuals, no moneys shall be drawn from the Treasury to be applied to the repairs of the State canals, or any of them, nor shall any moneys be drawn from the Treasury to be applied to the widening or deepening of any of said canals.

G. NELSON SMITH,  
*Speaker of the House of Representatives pro tem.*

WM. H. WELSH,  
*Speaker of the Senate.*

APPROVED—The twenty-second day of April, A. D. one thousand eight hundred and fifty-eight.

WM. F. PACKER.

Which was read; whereupon,

On motion, it was

*Resolved,* That while a strict construction of the foregoing resolution of the Legislature would forbid the Board from any further expenditure for the repairs of the lines of canal in operation, and compel them to withdraw all repair force therefrom, and thus endanger the works, and for a time render them useless, greatly to the disadvantage of transporters, and at a loss of revenue to the State, they deem it their duty, should the Attorney General, State Treasurer and Auditor General concur, to continue a small force on each line except the Upper North Branch, simply sufficient for watching the same, and guarding against breaches.

The members of the Board then proceeded and had an interview with the officers named, all of whom concurred in the above view of the joint resolution, and the propriety of the course suggested by the Board, as being warranted by public policy and State necessity. In this interview the Attorney General promised to give to the Auditor General a written opinion in support of such a construction of the joint resolution as will warrant the Canal Board in continuing the canals in operation, and the Auditing and Treasury Departments in passing and paying the expenses necessary for that purpose, until the transfer of the canals to the Sunbury and Erie railroad company. The Board thereupon addressed circulars to the Supervisors on the Upper North Branch and other divisions, as follows :

*Circular to Supervisors on Upper North Branch.*

SIR :—In pursuance of a joint resolution of the Legislature, approved this day, you are hereby directed to suspend all operations on the line under your charge, to discharge the whole of the force employed by you, and not to incur a dollar of expense after the receipt of this order. You will make up and report to the Board immediately, a full and distinct account of the repairs

made by you, and a statement of the amount expended by you since the line has been under your charge, the amount paid, the amount unpaid, together with the names of the persons to whom you are indebted, the nature of the debt, and the amount thereof.

*Circular to Supervisors on the Finished Lines.*

SIR:—In consequence of a joint resolution of the two Houses of the Legislature, approved this day, you are hereby directed to reduce the force on your line so as that no more men are employed than is actually necessary to watch the banks from breaking. If a break occurs which requires more than forty-eight hours to mend, you will report the fact to the Board before commencing the repair, and await their action. You will not make any contracts, or incur a debt of any description without first obtaining the sanction of the Board. If you do, the responsibility will rest upon you and your bail.

You will immediately, upon the transfer of your line to the purchaser, under the bill passed at the session of the Legislature just closed, make a full and complete report to the Board, of the character of the repairs made by you from the 30th of November, 1857, to the date of transfer, the amount of such repairs, the amount paid, and the amount due thereon, together with the names of the persons to whom you are indebted, the amount due them, and the character of the materials furnished, or the services rendered. You will also state your account with your lock-keepers from the 30th of November, 1857, to the day of transfer, the amount paid to them, and the amount due on that day, naming the lock-keepers, the number of their locks, and the amount due each.

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HOLLIDAYSBURG, TUESDAY, JULY 6, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board proceed to the examination of claims against the Commonwealth, under the provisions of the act of the 18th of May, 1857, and the 24th of April, 1858.

HOLLIDAYSBURG, WEDNESDAY, JULY 7, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

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JOHNSTOWN, THURSDAY, JULY 8, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

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JOHNSTOWN, FRIDAY, JULY 9, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

HARRISBURG, FRIDAY, AUGUST 13, 1858

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion, it was

*Resolved*, That Edward F. Gay, State Engineer, be and he is hereby authorized to ascertain the debts due and unpaid on the Upper North Branch canal, which were contracted by Wm. R. Maffet, Superintendent, for the use of the Commonwealth, from the 1st of December, 1857, to the 10th of February, 1858, and to pay the same.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

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PHILADELPHIA, THURSDAY, AUGUST 19, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the following opinion of the Hon. Charles R. Buckalew, as to the constitutionality of the act of the Legislature of the 21st of April, 1858, entitled "An Act for the sale of the State canals," viz :

'That the act of 21st April, 1858, for the sale of the State canals, violates the Constitution of Pennsylvania, manifestly appears from the face of the act itself, independently of the facts outside of the letter of the statute, which are capable of being proved.

The eleventh article of the Constitution (being the first of the amendments adopted in 1857) provides for the establishment of a sinking fund, which "*shall consist of the net annual income of the public works, from time to time owned by the State, or the proceeds of the sale of the same, or any part thereof,*" &c.; further on, "*no part of the said sinking fund shall be used or applied otherwise than in extinguishment of the public debt, until the amount of such debt is reduced below the sum of five millions of dollars.*"

I regard this as an injunction that income, or, in case of sale, the value of the works, be irrevocably and fully appropriated to the public creditors; and assert that the Legislature cannot appropriate part of income or value to other uses, nor so sell that full value or price is not obtained. For a mistaken, erroneous judgment as to the value, there may be no judicial remedy, but where it manifestly appears that there was no intention to obtain full consideration, or that part of the consideration is devoted to other uses than the sinking fund, the

act must be held void. And it is clear in this case upon the face of the act itself, that the so-called sale was not for full consideration, and that part of the consideration stipulated, was not to be paid to the sinking fund, and administered and applied to the public creditors by it. The term "proceeds of sale" obviously means value, price, the equivalent for the works in money or securities that will produce it. Otherwise the section (4) is a farce. For if sales can be made for other rates than those of value, or portions of the value be shuffled away, the Legislature may squander the works upon any pretence of sale, and the object of the section be wholly or mainly frustrated.

I regard the following provisions of the bill, as violations of the clause of the eleventh article above cited :

1. That upon a re-sale *one-fourth* of excess over \$3,500,000 is to be enjoyed by the Sunbury and Erie railroad company. But the whole "proceeds" must be paid into the sinking fund.

2. That as part of the consideration entering into the terms of sale, a subscription of \$500,000 is to be made to the stock of the Allegheny Valley railroad company. This is a diversion of a part of the value of the works to the use of a corporation.

3. That all demands against the State upon the lines of canal sold, be paid to the claimants by the purchaser. But this outlay, whether one or three hundred thousand dollars, as far as it enters into the price, is not an application of the "proceeds" to the sinking fund, and to be administered through it, as is expressly required.

4. To the same purpose is the clause that the North Branch shall only be re-sold to residents or property owners along the line. Such a clog upon the purchasers for the advantage of individuals, lessens the price paid the State, just as a condition that a farm sold should only be re-sold to adjoining land owners would affect and lessen its price.

C. R. BUCKALEW.

August 2, 1858.

Which was read and considered ; and

On motion,

The following preamble and resolution were adopted, viz :

WHEREAS, Since the passage of the act of April, 1858, authorizing the sale of the canals belonging to the Commonwealth to the Sunbury and Erie railroad company, suggestions have frequently been made to the Board of Canal Commissioners, by citizens from different parts of the State, that the law is unconstitutional, and it was a duty which the Board owed to the people of the State, to test, before the highest court of the Commonwealth, the correctness of these suggestions :

And whereas, The written opinion of the Hon. C. R. Buckalew, who had been consulted upon the subject, has just been laid before the Board, which opinion is adverse to the constitutionality of the law ; therefore,

Resolved, That the President of the Board consult with the Hon. Jeremiah S. Black and Wm. L. Hirst, Esq., and that if they concur in the opinion given by Mr. Buckalew, they are hereby requested to commence the proper proceedings in the Supreme Court, without delay.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

BRIDGEWATER, WEDNESDAY, SEPTEMBER 8, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board an act of the 15th April, 1858, entitled "An Act to authorize the Canal Commissioners to examine the damages caused by the erection of the dam at or near the mouth of Beaver, on the Beaver division of the Pennsylvania canal."

The claims of the borough of Beaver, Matilda Bitner, J. H. Wilson, trustee of Caroline Hall and children, and of Mary M. Hemphill, were presented, which, after an examination of the damages upon the ground, were read and laid upon the table.

PITTSBURG, THURSDAY, SEPTEMBER 9, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

HARRISBURG, FRIDAY, SEPTEMBER 10, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th of April, 1858.

HARRISBURG, THURSDAY, OCTOBER 21, 1858.

The Board met—Present, Mr. Strickland, Mr. Scott and Mr. Plumer, President.

The President laid before the Board the resignation of Edward F. Gay, as State Engineer.

Which was read; and

On motion, it was

*Resolved*, That in accepting the resignation of Edward F. Gay, as State Engineer, the Board cannot refrain from expressing their acknowledgment of the great ability, integrity and economy which he has invariably exhibited in the discharge of his official duties.

On motion,

The Board resumed the examination of claims against the Commonwealth, under the provisions of the acts of the 18th May, 1857, and the 24th April, 1858.

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[**NOTE.**—For the action of the Board, on the numerous claims presented under the acts of the 18th May, 1857, and 24th April, 1858, see the Docket on file in the office.]



